

Appl. No. 10/690,298
Amdt. Dated May 13, 2004
Reply to Office action of April 13, 2004

Case Docket No. CHR 2001-79 (reissue)

REMARKS/ARGUMENTS

Claims 1-54 remain in this application. Claims 1-54 have been allowed in an Office communication mailed March 19, 2004, wherein the Examiner noted, however, the need for correction of an informal matter (a typo in claim 43) to place the claims in proper condition for allowance prior to issuance of the formal Notice of Allowance. Such correction was made in a response filed April 2, 2004.

In an Office communication mailed April 13, 2004, to which this supplemental amendment is responsive, and wherein the Examiner noted

The amendment filed March 2[?], 2004 proposes amendments to the claims that do not comply with 37 CFR 1.173(b), which sets forth the manner of making amendments in reissue applications. A supplemental paper correctly amending the reissue application is required. Claims added to the patent must follow the number of the highest numbered patent claim (37 CFR 1.173(e)) and must be underlined in their entirety (37 CFR 1.73(d)).

Review of the reissue application, filed October 21, 2003, shows it to have been filed according to 37 CFR 1.173(a), with amendments made in accordance with 37 CFR 1.173(b) wherein the amendments (*i.e.*, newly added claims) were physically incorporated into the specification with markings pursuant to 37 CFR 1.173(d), which requires matter to be omitted to be enclosed in brackets and matter to be added by reissue to be underlined. The reissue application, as filed, included no matter to be omitted and included newly added claims were all underlined. Moreover, the numbering of patent claims was preserved in the reissue application, as filed, according to 37 CFR 1.173(e). Therefore, the basis of the Examiner's concern raised in the Office communication to which this is responsive is not understood. The amendment filed on April 2, 2004, was not a "separate amendment paper" under 37 CFR 1.173(b). The List of Claims therein noted the status of each claim ("original," "currently amended," "previously presented," etc.). It is not the understanding of the undersigned attorney for the applicants that underlining of the entire claim is appropriate in a paper amending claims already introduced in the filed application with underlining.

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In the event, however, the undersigned attorney is in error, the claims added by the reissue application filing on October 21, 2003 are submitted herein (as subsequently amended) as appropriately numbered and underlined, as requested by the Examiner.

Assuming that the claims have been properly presented in this application (and the original parent application having been earlier submitted), it is respectfully requested that a timely formal Notice of Allowance be issued in this case.

This explanation of the needed corrective action was discussed by the undersigned attorney with the Examiner by telephone on May 13, 2004. If the Examiner believes, for any reason, that further personal communication will expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

No additional fees are believed to be due in connection with the filing of this amendment and response. Should it be determined that additional fees are due and payable, the Commissioner is authorized to charge any required fees or credit any overpayment to the assignee's Deposit Account No. 23-1160.

Respectfully submitted,

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